

Butler Snow LLP

Martin A. Sosland (TX Bar No.18855645)
Candice Carson (TX Bar No. 24074006)
2911 Turtle Creek Blvd., Suite 1400
Dallas, Texas 75219
Tel: (469) 680-5500
Fax: (469) 680-5501
E-mail: martin.sosland@butlersnow.com
candice.carson@butlersnow.com

Butler Snow LLP

Adam M. Langley (*pro hac vice* pending)
Kenneth Groce (*pro hac vice* pending)
6075 Poplar Avenue, Suite 500
Memphis, TN 38119
Tel: (901) 680-7200
Fax: (901) 680-7201
E-mail: adam.langley@butlersnow.com
kenneth.groce@butlersnow.com

PROPOSED COUNSEL FOR THE
DEBTOR

Butler Snow LLP

Xan Flowers (*pro hac vice* pending)
1819 Fifth Avenue North, Suite 1000
Birmingham AL 35203
Tel: (205) 297-2200
Fax: (205) 297-2201
E-mail: xan.flowers@butlersnow.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

**TARRANT COUNTY SENIOR LIVING
CENTER, INC., D/B/A THE STAYTON
AT MUSEUM WAY ¹**

Debtor.

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CHAPTER 11

CASE NO. 24-80068-swe11

NOTICE OF EMERGENCY HEARING FOR OCTOBER 2, 2024 SETTING

PLEASE TAKE NOTICE that, on October 1, 2024, the above-captioned debtor and debtor-in-possession (the “*Debtor*”) commenced a chapter 11 case by filing a voluntary petition for relief under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the Northern District of Texas.

¹ The last four digits of the Debtor’s federal tax identification number are 8602.

PLEASE TAKE FURTHER NOTICE that an emergency hearing has been scheduled for **October 2, 2024, at 3:00 p.m. (prevailing Central Time)** before the Honorable Scott W. Everett to consider the following matters:

1. *Notice of Designation as Complex Chapter 11 Bankruptcy Case* [Docket No. 2];
2. *Emergency Motion of the Debtor for Interim and Final Orders (I) Authorizing the Debtor to Use the Cash Collateral of BOKF, N.A., as Trustee; (II) Providing BOKF, N.A., as Trustee, Adequate Protection; (II) Providing Superpriority Administrative Expense Claims; (IV) Modifying the Automatic Stay; (V) Scheduling a Final Hearing; and (VI) Granting Related Relief* [Docket No. 3];
3. *Emergency Motion of the Debtor for Entry of an Order Authorizing (I) Continued Use of Existing Cash Management System, (II) Maintenance of Existing Bank Accounts, (III) Continued Use of Existing Business Forms, and (IV) the Waiver of the 11 U.S.C. § 345(b) Deposit and Investment Requirements* [Docket No. 4];
4. *Emergency Motion of the Debtor for Entry of Final Order (I) Authorizing the Debtor to (A) Maintain Existing Insurance Policies and Pay All Insurance Obligations Arising Thereunder and (B) Renew, Revise, Extend, Supplement, Change, or Enter Into New Insurance Policies, and (II) Granting Certain Related Relief* [Docket No. 5];
5. *Debtor's Emergency Motion for Entry of Interim and Final Orders (I) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Service, (II) Deeming the Utility Providers Adequately Assured of Future Performance, and (III) Establishing Procedures for Determining Requests for Additional Adequate Assurance* [Docket No. 6];
6. *Debtor's Emergency Motion for Entry of Interim and Final Orders Authorizing the Debtor to Pay Certain Prepetition Taxes* [Docket No. 7];
7. *Emergency Motion of the Debtor for Entry of an Order (I) Authorizing the Debtor to (A) Pay Certain Prepetition Salaries, Wages, and Compensation and (B) Continue Employee Benefit Programs and (II) Directing Banks to Honor and Process Checks and Transfers Related to Such Employee Obligations* [Docket No. 8];
8. *Debtor's Emergency Motion for Entry of Interim and Final Orders Authorizing, But Not Directing, the Debtor to Continue Its Prepetition Business Operations, Policies, and Practices and Pay Related Claims in the Ordinary Course of Business on a Postpetition Basis* [Docket No. 9];

9. *Emergency Motion of the Debtor for Entry of an Order Authorizing the Implementation of (I) Procedures to Maintain and Protect Confidential Resident and Patient Information, (II) Procedures to Protect Other Individual Information, and (III) Authorizing Service by Email on Parties in Interest* [Docket No. 10];
10. *Emergency Motion of the Debtor for Entry of an Order Authorizing Debtor to Employ Professionals Used in Ordinary Course of Business Effective as of Petition Date* [Docket No. 11].
11. *Emergency Motion of the Debtor for Entry of an Order (I) Extending Time for Debtor to File Its Schedules and Statements and (II) Permanently Waiving Same Upon Confirmation of Debtor's Prepackaged Plan of Reorganization* [Docket No. 12];
12. *Emergency Motion of the Debtor for Entry of an Order (I) Scheduling Combined Hearing on (A) Adequacy of Disclosure Statement and (B) Confirmation of Prepackaged Plan of Reorganization; (II) Fixing Related Objection Deadlines and Approving Notice Procedures; (III) Approving Prepetition Solicitation Procedures; (IV) Conditionally Directing the United States Trustee Not To Convene Section 341(a) Meeting of Creditors; and (V) Granting Related Relief* [Docket No. 13]; and
13. *Emergency Application of the Debtor for an Order Authorizing the Employment and Retention of Kroll Restructuring Administration LLC as Claims, Noticing, and Solicitation Agent Nunc Pro Tunc to the Petition Date* [Docket No. 17]

PLEASE TAKE FURTHER NOTICE that parties may participate in the hearing by audio and video connection.

PLEASE TAKE FURTHER NOTICE that, parties who wish to appear and participate in the Hearing by videoconference may do so via WebEx at the following link:

LINK: <https://us-courts.webex.com/meet/Everett>

PLEASE TAKE FURTHER NOTICE that the WebEx hearing instructions for Judge Everett are attached hereto as **Exhibit A** and may be obtained from Judge Everett's hearing/calendar site: <https://www.txnb.uscourts.gov/judges-info/hearing-dates/judge-everetts-hearing-dates>. Parties should review the WebEx instructions prior to the hearing:

Dial-In: 1-650-479-3207

Access Code: 2304 017 9738

PLEASE TAKE FURETHER NOTICE that, hearing appearances must be made electronically in advance of electronic hearings. To make your appearance, click the “Electronic Appearance” link on Judge Everett’s Electronic Appearance homepage: <https://www.txnb.uscourts.gov/electronic-appearances-1>. Select the case name, complete the required fields and click “Submit” to complete your appearance.

PLEASE TAKE FURTHER NOTICE that, copies of the foregoing pleadings may be obtained (i) at the website established by the Debtors’ proposed noticing agent, Kroll Restructuring Administration LLC, at <https://restructuring.ra.kroll.com/Stayton/> (ii) from the Court’s website <http://www.txnb.uscourts.gov> via ECF/Pacer or (iii) upon request to the undersigned.

RESPECTFULLY SUBMITTED this 1st day of October 2024.

By: Martin A. Sosland
Martin A. Sosland (TX Bar No.18855645)
Candice Carson (TX Bar No. 24074006)
BUTLER SNOW LLP
2911 Turtle Creek Blvd., Suite 1400
Dallas, Texas 75219
Tel: (469) 680-5500
Fax: (469) 680-5501
E-mail:martin.sosland@butlersnow.com
candice.carson@butlersnow.com

Proposed Counsel for the Debtor

CERTIFICATE OF SERVICE

I, Martin A. Sosland, certify that the foregoing *Notice of Emergency Hearing for October 2, 2024 Setting* was filed electronically through the Court's ECF system and served electronically on all parties enlisted to receive service electronically.

Dated: October 1, 2024.

/s/ Martin A. Sosland
MARTIN A. SOSLAND

Exhibit A
Web-Ex Hearing Instructions

WebEx Hearing Instructions

Judge Scott W. Everett

Pursuant to General Order 2023-05 issued by the Court on September 19, 2023, hearings before Judge Scott W. Everett will be conducted pursuant to the guidelines set forth in the General Order unless ordered otherwise.

For WebEx Video Participation/Attendance:

Link: <https://us-courts.webex.com/meet/everett>

For WebEx Telephonic Only Participation/Attendance:

Dial-In: 1-650-479-3207; Access code: 2304 017 9738

Participation/Attendance Requirements:

- Counsel and other parties-in-interest who plan to actively participate in the hearing are encouraged to attend the hearing in the WebEx video mode using the WebEx video link above. Counsel and other parties-in-interest who will not be seeking to introduce any evidence at the hearing and who wish to attend the hearing in a telephonic-only mode may attend the hearing in the WebEx telephonic-only mode using the WebEx dial-in and access code above.
- Attendees should join the WebEx hearing at least 10 minutes prior to the hearing start time. Please be advised that a hearing may already be in progress. During hearings participants are required to keep their lines on mute when they are not addressing the Court or otherwise actively participating in the hearing. The Court reserves the right to disconnect or place on permanent mute any attendee that causes any disruption to the proceedings. For general information and tips with respect to WebEx participation and attendance, please see Clerk's Notice 20-04: https://www.txnb.uscourts.gov/sites/txnb/files/hearings/Webex%20Information%20and%20Tips_0.pdf
- **Witnesses are required to attend the hearing in the WebEx video mode, and live testimony will only be accepted from witnesses who have the WebEx video function activated.** Telephonic testimony without accompanying video will not be accepted by the Court. The Court may consider special requests for other appearance options on a case-by-case basis.
- All WebEx hearing attendees are required to comply with Judge Everett's Telephonic and Videoconference Hearing Policy (included within Judge Everett's Judge-Specific Guidelines): <https://www.txnb.uscourts.gov/judges-info/hearing-dates/judge-everetts-hearing-dates> .

Exhibit Requirements:

- Any party intending to introduce documentary evidence at the hearing must file an exhibit list in the case with a true and correct copy of each designated exhibit filed as a separate, individual attachment thereto so that the Court and all participants have ready access to all designated exhibits.
- In addition, for evidentiary hearings, when more than ten exhibits have been filed in ECF or when the total page count of all exhibits exceeds 500 pages, Judge Everett requests a thumb/USB drive be delivered to him prior to the hearing at: U.S. Bankruptcy Court, ATTN: NATE WALSH, 1100 Commerce Street, Room 1254, Dallas, TX 75242.
- Paper copies of exhibits are not encouraged; however, paper copies may be provided to the witness(s) at an in-person hearing if preferred.

Notice of Hearing Content and Filing Requirements:

IMPORTANT: For all hearings that will be conducted by WebEx only:

- The Notice of Hearing filed in the case and served on parties in interest must: (1) provide notice that the hearing will be conducted by WebEx videoconference only, (2) provide notice of the above WebEx video participation/attendance link, and (3) attach a copy of these WebEx Hearing Instructions or provide notice that they may be obtained from Judge Everett's hearing/calendar site: <https://www.txnb.uscourts.gov/judges-info/hearing-dates/judge-everetts-hearing-dates> .

- When electronically filing the Notice of Hearing via CM/ECF select “at [### **CONNECTION INSTRUCTIONS FOR PARTICIPATING IN A WEBEX VIRTUAL HEARING**](https://us-courts.webex.com/meet/everett” as the location of the hearing</u> (note: this option appears immediately after the first set of Wichita Falls locations). Do <u>not</u> select Judge Everett’s Dallas courtroom as the location for the hearing.

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The Court will allow participation in a virtual hearing using either of the following two methods. Please connect at least 10 minutes prior to the hearing time. It is recommended that attorneys discuss the logistics of the WebEx appearance with their clients/witnesses at least 48 hours before the hearing.

Option 1: Using the WebEx app on your smartphone, tablet, laptop, or desktop.

Please connect using only one device. Using two or more devices may cause audio feedback issues.

If using a phone or tablet for video, it should be set in a stationary position. Holding a phone or tablet in your hand while speaking does not yield a good video for the court.

NOTE: If you are experiencing audio issues when using the WebEx application, you may use the “Call Me At” selection under “Audio Connection” to move just the audio portion of the WebEx conference to your telephone.

Option 2: Call in via phone (audio only).

Webex dial-in number: 1-650-479-3207 (access code: 2304 017 9738).

HELPFUL HINTS AND ETIQUETTE

- Please use the mute function when you are not speaking. Please be aware that sometimes the court mutes everyone when there is background noise. When you want to speak, make sure you are not on mute. Call-in users should dial *6 to unmute your line.
- Remember to state your name for the record each time before speaking and speak slowly and clearly so the Court can get a good record.
- Use headphones whenever possible, especially if using a desktop PC with external speakers. We have found that newer iPhones provide the best visual and audio feed – better than most desktop computers. If you are on a personal computer, headphones or earbuds are required for those who need to speak during the hearing.
- During examination, attorneys and witnesses should use a separate camera and microphone when possible. To avoid feedback, parties using separate devices must not be in the same room. The Court may consider special requests on a case-by-case basis.
- WebEx participants may use the "share" button to easily share their screen or document with the Court or other WebEx participants. Press “stop sharing” to remove the presentation from the meeting.
- When making an appearance from a vehicle, please park in a safe location with windows rolled up (to minimize background distraction and noise) and use a headset that is ear-to-phone (not the vehicle’s hands-free speaker-phone option).
- Suggestions for participating in a WebEx hearing from home: If you are having connectivity problems, turn off devices that may be using bandwidth on your home network. Devices or applications such as Facetime, Roku, streaming media players, video games, or large downloads can negatively impact the audio and video quality of the WebEx meeting.
- Participants are reminded that they should wear attire suitable for court.
- Participants who wish to test their WebEx connection or the share screen functionality in advance of the hearing may arrange a “practice run” by contacting the courtroom deputy.

Exhibits should be filed ahead of time by the date that they would normally be exchanged pursuant to our local rules using the "list (witness/exhibit/generic)" OR "notice (generic)" OR "Support/Supplemental document" event in ECF.

Demonstrative aids and Power Points should also be filed prior to the hearing, if possible. If not, WebEx has the ability to allow you to share your screen, or a particular document, with everyone in the hearing. If these documents are admitted as exhibits, they would then have to be filed after the hearing.

- During the hearing, lawyers can refer to (and offer) their exhibits by referencing the exhibit's docket number for the court and all to access. After the hearing, the court will create a Minute Entry reflecting which exhibits were admitted. You should consider emailing exhibits to witnesses ahead of time since they may not have access to PACER.
- In addition for evidentiary hearings, when more than ten exhibits have been filed in ECF or when the total page count of all exhibits exceeds 500 pages, Judge Everett requests a thumb/USB drive be delivered to him prior to the hearing at: U.S. Bankruptcy Court, ATTN: NATE WALSH, 1100 Commerce Street, Room 1254, Dallas, TX 75242.
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